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*Attorneys for Defendants other than
Torben Welch and Messner General Partnership*

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

KOSHER EATS LLC, a Florida limited liability company, EMERALD CONSULTING PARTNERS LLC, a Florida limited liability company, ABBSON LLC, a New York limited liability company, MSC COMPANIES, LLC, a Utah limited liability company, and HOMEPEOPLE CORPORATION, a New York corporation,

Plaintiffs,

v.

TORBEN WELCH, an individual, CALEB MEYER, an individual, MICHELLE HARDEN, an individual, RENNE FINCH, an individual, DAVID REEVES, an individual, BENJAMIN TIETGEN, an individual, DARREN ALBERTI, an individual, KATE BAILEY, an individual, BRENDA BARTELS, an individual, ALEX BELTZ, an individual, AMBER BLASINGAME, an individual, BRETT

**DEFENDANTS' MOTION FOR LEAVE
TO FILE OVERLENGTH MOTION FOR
RULE 11 SANCTIONS**

Case No. 2:24-cv-00520-DBB-DBP

District Judge David Barlow
Magistrate Judge Dustin B. Pead

BOON, an individual, VALERIE
 BROMLEY, an individual, EDGAR
 CARRANZA, an individual, KATHLEEN
 CARTER, an individual, CYNTHIA
 CARUCCI, an individual, CHARLES
 CAVANAGH, an individual, LAURA
 CHARTRAND, an individual, GREGORY
 COHEN, an individual, KIMBERLEY
 CRONIN, an individual, ISAAC CRUM, an
 individual, ERICA DEATHERAGE, an
 individual, MATTHEW DEENIHAN, an
 individual, ALLISON DODD, an individual,
 BRIANNA DOLMAGE, an individual,
 PATRICK DRAKE, an individual, R.J.
 ERTMER, an individual, RACHEL FARR,
 an individual, MARY BRYNE FLETCHER,
 an individual, AUSTIN GEMMELL, an
 individual, MATTHEW GEORGE, an
 individual, DEANNA GILBERTSON, an
 individual, MARGARET GRAY, an
 individual, SCOTT HAWRANEK, an
 individual, ANDREW HOLLINS, an
 individual, AMY HUFF, an individual,
 CRAIG HUMPHREY, an individual, MATT
 JEDRZEJEK, an individual, MACLAIN
 JOYCE, an individual, IDIN
 KASHEFIPOUR, an individual, DARA
 KELLER, an individual, DANIEL KLETT,
 an individual, STEVEN KNAUSS, an
 individual, MARJORIE KRATSAS, an
 individual, JASON MARTINEZ, an
 individual, BRYANT MESSNER, an
 individual, IAN MITCHELL, an individual,
 SCOTT MONROE, an individual, SIMONE
 MONTOYA, an individual, BRUCE
 MONTOYA, an individual, KATHLEEN
 MOWRY, an individual, CHRISTINA
 MUNDY, an individual, ANN NGUYEN, an
 individual, KATHERINE OTTO, an
 individual, JONATHAN OWENS, an
 individual, JULIAN PARDO DE ZELA, an
 individual, FRANK PERRETTA, an
 individual, PETER PIERCE, an individual,
 WILLIAM RANDALL, an individual,
 RICHARD REICE, an individual, ADAM

ROYVAL, an individual, HEATHER SALG, an individual, EDWIN SCHWARTZ, an individual, MIKHAIL SHAH, an individual, GREG SITRICK, an individual, ROWAN SMITH, an individual, AARON SOLEIMANI, an individual, HEATHER STERN, an individual, JOHN STEVENS, an individual, DEANNE STODDEN, an individual, MATTHEW SULLIVAN, an individual, JENNY THORNTON, an individual, WADE WARTHEN, an individual, ANDREW WELCH, KARIE WILSON, an individual, DOUGLAS WOLANSKE, an individual, JON ZIMMERMAN, an individual, JAKE BRIGHAM, an individual, and MESSNER REEVES LLP, a Colorado partnership,

Defendants.

All Defendants other than Torben Welch and the alleged Messner General Partnership (“Moving Defendants”) respectfully request leave to file an overlength motion for sanctions pursuant [Rule 11 of the Federal Rules of Civil Procedure](#). Moving Defendants request permission to file a motion that does not exceed 25 pages.

Plaintiffs and their counsel have filed a Complaint and an Amended Complaint against Messner Reeves (a law firm), alleging that the Plaintiffs (who were never clients of Messner Reeves) lost their loan deposits in connection with a loan agreement they had with certain nonparties to this lawsuit. Plaintiffs and their counsel did not just sue the law firm and the one individual partner involved in the matter. Instead, they filed a sensationalized Complaint and Amended Complaint that included personal RICO and other claims against *78 of the firm’s individual lawyers*, the majority of whom are simply employees or former employees of Messner Reeves, LLP. Out of 80 total Defendants, 77 of them had *no involvement* in the substantive facts. They are innocent partners and employees (including former employees) in the law firm. One of

the Defendants, the so-called “Messner General Partnership,” does not even exist. It is clear Plaintiffs and their counsel filed their sensationalized Complaint and Amended Complaint in order to attract media attention, embarrass and harass the individual Defendants, needlessly increase the cost of litigation, and attempt to coerce Defendants into some sort of unwarranted resolution.

Moving Defendants have prepared and intend to file a motion for sanctions under [Fed. R. Civ. P. 11](#) because the Complaint and Amended Complaint are not presented for a proper purpose, the claims are not warranted by existing law or by a nonfrivolous argument for extending the law, and many of the factual contentions have no evidentiary support. In fact, many of Plaintiffs’ factual contentions are flatly controverted by facts known to Plaintiffs’ counsel.

Moving Defendants should be permitted to file an overlength motion due to the nature of the claims, the amount of relevant evidence to discuss, and the issues to be addressed. Moving Defendants are seeking terminating sanctions, including dismissal with prejudice and an award of attorneys’ fees. The gravity of Plaintiffs’ claims and the motion for sanctions warrants a full discussion of the relevant facts and law. Defendants cannot adequately address all the reasons the Court should grant the [Rule 11](#) motion for sanctions without extra pages. Defendants have made every effort to be concise, but simply cannot fairly address this volume of material without the extra length. Thus, good cause justifies an extension of the typical 10-page limit for such motions. *See* [DUCivR 7-1\(a\)\(4\)\(D\)\(i\)](#).

Based on the foregoing, Defendants request that the Court allow Moving Defendants to file a motion for sanctions under [Rule 11](#) that does not exceed 25 pages.

DATED this 15th day of October, 2024.

SPENCER FANE LLP

/s/ Keith A. Call

Keith A. Call

Troy Rackham

Attorneys for Messner Reeves Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2024, I caused a true and correct copy of the foregoing
**DEFENDANTS' MOTION FOR LEAVE TO FILE OVERLENGTH MOTION FOR RULE
11 SANCTIONS** to be filed with the court and served to the following:

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